
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 522 Session of
2015

INTRODUCED BY GREENLEAF, KITCHEN, BREWSTER, VULAKOVICH,
TARTAGLIONE, BOSCOLA, HUGHES, GORDNER, ALLOWAY AND LEACH,
FEBRUARY 19, 2015

REFERRED TO JUDICIARY, FEBRUARY 19, 2015

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, making editorial changes by
3 replacing the phrase "justice of the peace" with "magisterial
4 district judge."

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby resolves as follows:

7 Section 1. The following integrated amendments to the
8 Constitution of Pennsylvania are proposed in accordance with
9 Article XI:

10 (1) That section 8(b) of Article IV be amended to read:

11 § 8. Appointing power.

12 * * *

13 (b) The Governor shall fill vacancies in offices to which he
14 appoints by nominating to the Senate a proper person to fill the
15 vacancy within 90 days of the first day of the vacancy and not
16 thereafter. The Senate shall act on each executive nomination
17 within 25 legislative days of its submission. If the Senate has
18 not voted upon a nomination within 15 legislative days following

1 such submission, any five members of the Senate may, in writing,
2 request the presiding officer of the Senate to place the
3 nomination before the entire Senate body whereby the nomination
4 must be voted upon prior to the expiration of five legislative
5 days or 25 legislative days following submission by the
6 Governor, whichever occurs first. If the nomination is made
7 during a recess or after adjournment sine die, the Senate shall
8 act upon it within 25 legislative days after its return or
9 reconvening. If the Senate for any reason fails to act upon a
10 nomination submitted to it within the required 25 legislative
11 days, the nominee shall take office as if the appointment had
12 been consented to by the Senate. The Governor shall in a similar
13 manner fill vacancies in the offices of Auditor General, State
14 Treasurer, justice, judge, [justice of the peace] magisterial
15 district judge and in any other elective office he is authorized
16 to fill. In the case of a vacancy in an elective office, a
17 person shall be elected to the office on the next election day
18 appropriate to the office unless the first day of the vacancy is
19 within two calendar months immediately preceding the election
20 day in which case the election shall be held on the second
21 succeeding election day appropriate to the office.

22 * * *

23 (2) That section 1 of Article V be amended to read:

24 § 1. Unified judicial system.

25 The judicial power of the Commonwealth shall be vested in a
26 unified judicial system consisting of the Supreme Court, the
27 Superior Court, the Commonwealth Court, courts of common pleas,
28 community courts, municipal and traffic courts in the City of
29 Philadelphia, such other courts as may be provided by law and
30 [justices of the peace] magisterial district judges. All courts

1 and [justices of the peace] magisterial district judges and
2 their jurisdiction shall be in this unified judicial system.

3 (3) That section 7 of Article V be amended to read:

4 § 7. [Justices of the peace] Magisterial district judges;
5 magisterial districts.

6 (a) In any judicial district, other than the City of
7 Philadelphia, where a community court has not been established
8 or where one has been discontinued there shall be one [justice
9 of the peace] magisterial district judge in each magisterial
10 district. The jurisdiction of the [justice of the peace]
11 magisterial district judge shall be as provided by law.

12 (b) The General Assembly shall by law establish classes of
13 magisterial districts solely on the basis of population and
14 population density and shall fix the salaries to be paid
15 [justices of the peace] magisterial district judges in each
16 class. The number and boundaries of magisterial districts of
17 each class within each judicial district shall be established by
18 the Supreme Court or by the courts of common pleas under the
19 direction of the Supreme Court as required for the efficient
20 administration of justice within each magisterial district.

21 (4) That section 10(a), (b) and (c) of Article V be amended
22 to read:

23 § 10. Judicial administration.

24 (a) The Supreme Court shall exercise general supervisory and
25 administrative authority over all the courts and [justices of
26 the peace] magisterial district judges, including authority to
27 temporarily assign judges and [justices of the peace]
28 magisterial district judges from one court or district to
29 another as it deems appropriate.

30 (b) The Supreme Court shall appoint a court administrator

1 and may appoint such subordinate administrators and staff as may
2 be necessary and proper for the prompt and proper disposition of
3 the business of all courts and [justices of the peace]
4 magisterial district judges.

5 (c) The Supreme Court shall have the power to prescribe
6 general rules governing practice, procedure and the conduct of
7 all courts, [justices of the peace] magisterial district judges
8 and all officers serving process or enforcing orders, judgments
9 or decrees of any court or [justice of the peace] magisterial
10 district judge, including the power to provide for assignment
11 and reassignment of classes of actions or classes of appeals
12 among the several courts as the needs of justice shall require,
13 and for admission to the bar and to practice law, and the
14 administration of all courts and supervision of all officers of
15 the Judicial Branch, if such rules are consistent with this
16 Constitution and neither abridge, enlarge nor modify the
17 substantive rights of any litigant, nor affect the right of the
18 General Assembly to determine the jurisdiction of any court or
19 [justice of the peace] magisterial district judge, nor suspend
20 nor alter any statute of limitation or repose. All laws shall be
21 suspended to the extent that they are inconsistent with rules
22 prescribed under these provisions. Notwithstanding the
23 provisions of this section, the General Assembly may by statute
24 provide for the manner of testimony of child victims or child
25 material witnesses in criminal proceedings, including the use of
26 videotaped depositions or testimony by closed-circuit
27 television.

28 * * *

29 (5) That section 12 of Article V be amended to read:
30 § 12. Qualifications of justices, judges and [justices of the

1 peace] magisterial district judges.

2 (a) Justices, judges and [justices of the peace] magisterial
3 district judges shall be citizens of the Commonwealth. Justices
4 and judges, except the judges of the traffic court in the City
5 of Philadelphia, shall be members of the bar of the Supreme
6 Court. Justices and judges of statewide courts, for a period of
7 one year preceding their election or appointment and during
8 their continuance in office, shall reside within the
9 Commonwealth. Other judges and [justices of the peace]
10 magisterial district judges, for a period of one year preceding
11 their election or appointment and during their continuance in
12 office, shall reside within their respective districts, except
13 as provided in this article for temporary assignments.

14 (b) Judges of the traffic court in the City of Philadelphia
15 and [justices of the peace] magisterial district judges shall be
16 members of the bar of the Supreme Court or shall complete a
17 course of training and instruction in the duties of their
18 respective offices and pass an examination prior to assuming
19 office. Such courses and examinations shall be as provided by
20 law.

21 (6) That section 13 heading and (a) and (b) of Article V be
22 amended to read:

23 § 13. Election of justices, judges and [justices of the peace]
24 magisterial district judges; vacancies.

25 (a) Justices, judges and [justices of the peace] magisterial
26 district judges shall be elected at the municipal election next
27 preceding the commencement of their respective terms of office
28 by the electors of the Commonwealth or the respective districts
29 in which they are to serve.

30 (b) A vacancy in the office of justice, judge or [justice of

1 the peace] magisterial district judge shall be filled by
2 appointment by the Governor. The appointment shall be with the
3 advice and consent of two-thirds of the members elected to the
4 Senate, except in the case of [justices of the peace]
5 magisterial district judges which shall be by a majority. The
6 person so appointed shall serve for a term ending on the first
7 Monday of January following the next municipal election more
8 than ten months after the vacancy occurs or for the remainder of
9 the unexpired term whichever is less, except in the case of
10 persons selected as additional judges to the Superior Court,
11 where the General Assembly may stagger and fix the length of the
12 initial terms of such additional judges by reference to any of
13 the first, second and third municipal elections more than ten
14 months after the additional judges are selected. The manner by
15 which any additional judges are selected shall be provided by
16 this section for the filling of vacancies in judicial offices.

17 * * *

18 (7) That section 15 heading and (a) of Article V be amended
19 to read:

20 § 15. Tenure of justices, judges and [justices of the peace]
21 magisterial district judges.

22 (a) The regular term of office of justices and judges shall
23 be ten years and the regular term of office for judges of the
24 municipal court and traffic court in the City of Philadelphia
25 and of [justices of the peace] magisterial district judges shall
26 be six years. The tenure of any justice or judge shall not be
27 affected by changes in judicial districts or by reduction in the
28 number of judges.

29 * * *

30 (8) That section 16 heading and (a) and (b) of Article V be

1 amended to read:

2 § 16. Compensation and retirement of justices, judges and
3 [justices of the peace] magisterial district judges.

4 (a) Justices, judges and [justices of the peace] magisterial
5 district judges shall be compensated by the Commonwealth as
6 provided by law. Their compensation shall not be diminished
7 during their terms of office, unless by law applying generally
8 to all salaried officers of the Commonwealth.

9 (b) Justices, judges and [justices of the peace] magisterial
10 district judges shall be retired on the last day of the calendar
11 year in which they attain the age of 70 years. Former and
12 retired justices, judges and [justices of the peace] magisterial
13 district judges shall receive such compensation as shall be
14 provided by law. Except as provided by law, no salary,
15 retirement benefit or other compensation, present or deferred,
16 shall be paid to any justice, judge or [justice of the peace]
17 magisterial district judge who, under section 18 or under
18 Article VI, is suspended, removed or barred from holding
19 judicial office for conviction of a felony or misconduct in
20 office or conduct which prejudices the proper administration of
21 justice or brings the judicial office into disrepute.

22 * * *

23 (9) That section 17(b) and (c) of Article V be amended to
24 read:

25 § 17. Prohibited activities.

26 * * *

27 (b) Justices and judges shall not engage in any activity
28 prohibited by law and shall not violate any canon of legal or
29 judicial ethics prescribed by the Supreme Court. [Justices of
30 the peace] Magisterial district judges shall be governed by

1 rules or canons which shall be prescribed by the Supreme Court.

2 (c) No justice, judge or [justice of the peace] magisterial
3 district judge shall be paid or accept for the performance of
4 any judicial duty or for any service connected with his office,
5 any fee, emolument or perquisite other than the salary and
6 expenses provided by law.

7 * * *

8 (10) That section 18 of Article V be amended to read:

9 § 18. Suspension, removal, discipline and other sanctions.

10 (a) There shall be an independent board within the Judicial
11 Branch, known as the Judicial Conduct Board, the composition,
12 powers and duties of which shall be as follows:

13 (1) The board shall be composed of 12 members, as follows:
14 two judges, other than senior judges, one from the courts of
15 common pleas and the other from either the Superior Court or the
16 Commonwealth Court, one [justice of the peace] magisterial
17 district judge who need not be a member of the bar of the
18 Supreme Court, three non-judge members of the bar of the Supreme
19 Court and six non-lawyer electors.

20 (2) The judge from either the Superior Court or the
21 Commonwealth Court, the [justice of the peace] magisterial
22 district judge, one non-judge member of the bar of the Supreme
23 Court and three non-lawyer electors shall be appointed to the
24 board by the Supreme Court. The judge from the courts of common
25 pleas, two non-judge members of the bar of the Supreme Court and
26 three non-lawyer electors shall be appointed to the board by the
27 Governor.

28 (3) Except for the initial appointees whose terms shall be
29 provided by the schedule to this article, the members shall
30 serve for terms of four years. All members must be residents of

1 this Commonwealth. No more than three of the six members
2 appointed by the Supreme Court may be registered in the same
3 political party. No more than three of the six members appointed
4 by the Governor may be registered in the same political party.
5 Membership of a judge or [justice of the peace] magisterial
6 district judge shall terminate if the member ceases to hold the
7 judicial position that qualified the member for the appointment.
8 Membership shall terminate if a member attains a position that
9 would have rendered the member ineligible for appointment at the
10 time of the appointment. A vacancy shall be filled by the
11 respective appointing authority for the remainder of the term to
12 which the member was appointed. No member may serve more than
13 four consecutive years but may be reappointed after a lapse of
14 one year. The Governor shall convene the board for its first
15 meeting. At that meeting and annually thereafter, the members of
16 the board shall elect a chairperson. The board shall act only
17 with the concurrence of a majority of its members.

18 (4) No member of the board, during the member's term, may
19 hold office in a political party or political organization.
20 Except for a judicial member, no member of the board, during the
21 member's term, may hold a compensated public office or public
22 appointment. All members shall be reimbursed for expenses
23 necessarily incurred in the discharge of their official duties.

24 (5) The board shall prescribe general rules governing the
25 conduct of members. A member may be removed by the board for a
26 violation of the rules governing the conduct of members.

27 (6) The board shall appoint a chief counsel and other staff,
28 prepare and administer its own budget as provided by law,
29 exercise supervisory and administrative authority over all board
30 staff and board functions, establish and promulgate its own

1 rules of procedure, prepare and disseminate an annual report and
2 take other actions as are necessary to ensure its efficient
3 operation. The budget request of the board shall be made by the
4 board as a separate item in the request submitted by the Supreme
5 Court on behalf of the Judicial Branch to the General Assembly.

6 (7) The board shall receive and investigate complaints
7 regarding judicial conduct filed by individuals or initiated by
8 the board; issue subpoenas to compel testimony under oath of
9 witnesses, including the subject of the investigation, and to
10 compel the production of documents, books, accounts and other
11 records relevant to the investigation; determine whether there
12 is probable cause to file formal charges against a justice,
13 judge or [justice of the peace] magisterial district judge for
14 conduct proscribed by this section; and present the case in
15 support of the charges before the Court of Judicial Discipline.

16 (8) Complaints filed with the board or initiated by the
17 board shall not be public information. Statements, testimony,
18 documents, records or other information or evidence acquired by
19 the board in the conduct of an investigation shall not be public
20 information. A justice, judge or [justice of the peace]
21 magisterial district judge who is the subject of a complaint
22 filed with the board or initiated by the board or of an
23 investigation conducted by the board shall be apprised of the
24 nature and content of the complaint and afforded an opportunity
25 to respond fully to the complaint prior to any probable cause
26 determination by the board. All proceedings of the board shall
27 be confidential except when the subject of the investigation
28 waives confidentiality. If, independent of any action by the
29 board, the fact that an investigation by the board is in
30 progress becomes a matter of public record, the board may, at

1 the direction of the subject of the investigation, issue a
2 statement to confirm that the investigation is in progress, to
3 clarify the procedural aspects of the proceedings, to explain
4 the rights of the subject of the investigation to a fair hearing
5 without prejudgment or to provide the response of the subject of
6 the investigation to the complaint. In acting to dismiss a
7 complaint for lack of probable cause to file formal charges, the
8 board may, at its discretion, issue a statement or report to the
9 complainant or to the subject of the complaint, which may
10 contain the identity of the complainant, the identity of the
11 subject of the complaint, the contents and nature of the
12 complaint, the actions taken in the conduct of the investigation
13 and the results and conclusions of the investigation. The board
14 may include with a report a copy of information or evidence
15 acquired in the course of the investigation.

16 (9) If the board finds probable cause to file formal charges
17 concerning mental or physical disability against a justice,
18 judge or [justice of the peace] magisterial district judge, the
19 board shall so notify the subject of the charges and provide the
20 subject with an opportunity to resign from judicial office or,
21 when appropriate, to enter a rehabilitation program prior to the
22 filing of the formal charges with the Court of Judicial
23 Discipline.

24 (10) Members of the board and its chief counsel and staff
25 shall be absolutely immune from suit for all conduct in the
26 course of their official duties. No civil action or disciplinary
27 complaint predicated upon the filing of a complaint or other
28 documents with the board or testimony before the board may be
29 maintained against any complainant, witness or counsel.

30 (b) There shall be a Court of Judicial Discipline, the

1 composition, powers and duties of which shall be as follows:

2 (1) The court shall be composed of a total of eight members
3 as follows: three judges other than senior judges from the
4 courts of common pleas, the Superior Court or the Commonwealth
5 Court, one [justice of the peace] magisterial district judge,
6 two non-judge members of the bar of the Supreme Court and two
7 non-lawyer electors. Two judges, the [justice of the peace]
8 magisterial district judge and one non-lawyer elector shall be
9 appointed to the court by the Supreme Court. One judge, the two
10 non-judge members of the bar of the Supreme Court and one non-
11 lawyer elector shall be appointed to the court by the Governor.

12 (2) Except for the initial appointees whose terms shall be
13 provided by the schedule to this article, each member shall
14 serve for a term of four years; however, the member, rather than
15 the member's successor, shall continue to participate in any
16 hearing in progress at the end of the member's term. All members
17 must be residents of this Commonwealth. No more than two of the
18 members appointed by the Supreme Court may be registered in the
19 same political party. No more than two of the members appointed
20 by the Governor may be registered in the same political party.
21 Membership of a judge or [justice of the peace] magisterial
22 district judge shall terminate if the judge or [justice of the
23 peace] magisterial district judge ceases to hold the judicial
24 position that qualified the judge or [justice of the peace]
25 magisterial district judge for appointment. Membership shall
26 terminate if a member attains a position that would have
27 rendered that person ineligible for appointment at the time of
28 the appointment. A vacancy on the court shall be filled by the
29 respective appointing authority for the remainder of the term to
30 which the member was appointed in the same manner in which the

1 original appointment occurred. No member of the court may serve
2 more than four consecutive years but may be reappointed after a
3 lapse of one year.

4 (3) The court shall prescribe general rules governing the
5 conduct of members. A member may be removed by the court for a
6 violation of the rules of conduct prescribed by the court. No
7 member, during the member's term of service, may hold office in
8 any political party or political organization. Except for a
9 judicial member, no member of the court, during the member's
10 term of service, may hold a compensated public office or public
11 appointment. All members of the court shall be reimbursed for
12 expenses necessarily incurred in the discharge of their official
13 duties.

14 (4) The court shall appoint staff and prepare and administer
15 its own budget as provided by law and undertake actions needed
16 to ensure its efficient operation. All actions of the court,
17 including disciplinary action, shall require approval by a
18 majority vote of the members of the court. The budget request of
19 the court shall be made as a separate item in the request by the
20 Supreme Court on behalf of the Judicial Branch to the General
21 Assembly. The court shall adopt rules to govern the conduct of
22 proceedings before the court.

23 (5) Upon the filing of formal charges with the court by the
24 board, the court shall promptly schedule a hearing or hearings
25 to determine whether a sanction should be imposed against a
26 justice, judge or [justice of the peace] magisterial district
27 judge pursuant to the provisions of this section. The court
28 shall be a court of record, with all the attendant duties and
29 powers appropriate to its function. Formal charges filed with
30 the court shall be a matter of public record. All hearings

1 conducted by the court shall be public proceedings conducted
2 pursuant to the rules adopted by the court and in accordance
3 with the principles of due process and the law of evidence.
4 Parties appearing before the court shall have a right to
5 discovery pursuant to the rules adopted by the court and shall
6 have the right to subpoena witnesses and to compel the
7 production of documents, books, accounts and other records as
8 relevant. The subject of the charges shall be presumed innocent
9 in any proceeding before the court, and the board shall have the
10 burden of proving the charges by clear and convincing evidence.
11 All decisions of the court shall be in writing and shall contain
12 findings of fact and conclusions of law. A decision of the court
13 may order removal from office, suspension, censure or other
14 discipline as authorized by this section and as warranted by the
15 record.

16 (6) Members of the court and the court's staff shall be
17 absolutely immune from suit for all conduct in the course of
18 their official duties, and no civil action or disciplinary
19 complaint predicated on testimony before the court may be
20 maintained against any witness or counsel.

21 (c) Decisions of the court shall be subject to review as
22 follows:

23 (1) A justice, judge or [justice of the peace] magisterial
24 district judge shall have the right to appeal a final adverse
25 order of discipline of the court. A judge or [justice of the
26 peace] magisterial district judge shall have the right to appeal
27 to the Supreme Court in a manner consistent with rules adopted
28 by the Supreme Court; a justice shall have the right to appeal
29 to a special tribunal composed of seven judges, other than
30 senior judges, chosen by lot from the judges of the Superior

1 Court and Commonwealth Court who do not sit on the Court of
2 Judicial Discipline or the board, in a manner consistent with
3 rules adopted by the Supreme Court. The special tribunal shall
4 hear and decide the appeal in the same manner in which the
5 Supreme Court would hear and decide an appeal from an order of
6 the court.

7 (2) On appeal, the Supreme Court or special tribunal shall
8 review the record of the proceedings of the court as follows: on
9 the law, the scope of review is plenary; on the facts, the scope
10 of review is clearly erroneous; and, as to sanctions, the scope
11 of review is whether the sanctions imposed were lawful. The
12 Supreme Court or special tribunal may revise or reject an order
13 of the court upon a determination that the order did not sustain
14 this standard of review; otherwise, the Supreme Court or special
15 tribunal shall affirm the order of the court.

16 (3) An order of the court which dismisses a complaint
17 against a judge or [justice of the peace] magisterial district
18 judge may be appealed by the board to the Supreme Court, but the
19 appeal shall be limited to questions of law. An order of the
20 court which dismisses a complaint against a justice of the
21 Supreme Court may be appealed by the board to a special tribunal
22 in accordance with paragraph (1), but the appeal shall be
23 limited to questions of law.

24 (4) No justice, judge or [justice of the peace] magisterial
25 district judge may participate as a member of the board, the
26 court, a special tribunal or the Supreme Court in any proceeding
27 in which the justice, judge or [justice of the peace]
28 magisterial district judge is a complainant, the subject of a
29 complaint, a party or a witness.

30 (d) A justice, judge or [justice of the peace] magisterial

1 district judge shall be subject to disciplinary action pursuant
2 to this section as follows:

3 (1) A justice, judge or [justice of the peace] magisterial
4 district judge may be suspended, removed from office or
5 otherwise disciplined for conviction of a felony; violation of
6 section 17 of this article; misconduct in office; neglect or
7 failure to perform the duties of office or conduct which
8 prejudices the proper administration of justice or brings the
9 judicial office into disrepute, whether or not the conduct
10 occurred while acting in a judicial capacity or is prohibited by
11 law; or conduct in violation of a canon or rule prescribed by
12 the Supreme Court. In the case of a mentally or physically
13 disabled justice, judge or [justice of the peace] magisterial
14 district judge, the court may enter an order of removal from
15 office, retirement, suspension or other limitations on the
16 activities of the justice, judge or [justice of the peace]
17 magisterial district judge as warranted by the record. Upon a
18 final order of the court for suspension without pay or removal,
19 prior to any appeal, the justice, judge or [justice of the
20 peace] magisterial district judge shall be suspended or removed
21 from office; and the salary of the justice, judge or [justice of
22 the peace] magisterial district judge shall cease from the date
23 of the order.

24 (2) Prior to a hearing, the court may issue an interim order
25 directing the suspension, with or without pay, of any justice,
26 judge or [justice of the peace] magisterial district judge
27 against whom formal charges have been filed with the court by
28 the board or against whom has been filed an indictment or
29 information charging a felony. An interim order under this
30 paragraph shall not be considered a final order from which an

1 appeal may be taken.

2 (3) A justice, judge or [justice of the peace] magisterial
3 district judge convicted of misbehavior in office by a court,
4 disbarred as a member of the bar of the Supreme Court or removed
5 under this section shall forfeit automatically his judicial
6 office and thereafter be ineligible for judicial office.

7 (4) A justice, judge or [justice of the peace] magisterial
8 district judge who files for nomination for or election to any
9 public office other than a judicial office shall forfeit
10 automatically his judicial office.

11 (5) This section is in addition to and not in substitution
12 for the provisions for impeachment for misbehavior in office
13 contained in Article VI. No justice, judge or [justice of the
14 peace] magisterial district judge against whom impeachment
15 proceedings are pending in the Senate shall exercise any of the
16 duties of office until acquittal.

17 (11) That section 7 of the Schedule to Article V be amended
18 to read:

19 § 7. Community courts.

20 In a judicial district which establishes a community court, a
21 person serving as a [justice of the peace] magisterial district
22 judge at such time:

23 (a) May complete his term exercising the jurisdiction
24 provided by law and with the compensation provided by law, and

25 (b) Upon completion of his term, his office is abolished and
26 no judicial function of the kind heretofore exercised by a
27 [justice of the peace] magisterial district judge shall
28 thereafter be exercised other than by the community court.

29 (12) That the undesignated subdivision heading preceding
30 section 8 of the Schedule to Article V be amended to read:

1 JUSTICES, JUDGES AND [JUSTICES OF THE PEACE]

2 MAGISTERIAL DISTRICT JUDGES

3 (13) That section 8 of the Schedule to Article V be amended
4 to read:

5 § 8. Justices, judges and [justices of the peace] magisterial
6 district judges.

7 Notwithstanding any provision in the article, a present
8 justice, judge or [justice of the peace] magisterial district
9 judge may complete his term of office.

10 (14) That the undesignated subdivision heading preceding
11 section 12 of the Schedule to Article V be amended to read:

12 MAGISTRATES, ALDERMEN AND [JUSTICES OF THE PEACE]

13 MAGISTERIAL DISTRICT JUDGES AND

14 MAGISTERIAL DISTRICTS OTHER THAN IN THE CITY

15 OF PHILADELPHIA

16 (15) That section 12 of the Schedule to Article V be amended
17 to read:

18 § 12. Magistrates, aldermen and [justices of the peace]
19 magisterial district judges.

20 An alderman, [justice of the peace] magisterial district
21 judge or magistrate:

22 (a) May complete his term, exercising the jurisdiction
23 provided by law and with the method of compensation provided by
24 law prior to the adoption of this article;

25 (b) Shall be deemed to have taken and passed the examination
26 required by this article for [justices of the peace] magisterial
27 district judges if he has completed one full term of office
28 before creation of a magisterial district, and

29 (c) At the completion of his term, his office is abolished.

30 (d) Except for officers completing their terms, after the

1 first Monday in January, 1970, no judicial function of the kind
2 heretofore exercised by these officers, by mayors and like
3 officers in municipalities shall be exercised by any officer
4 other than the one [justice of the peace] magisterial district
5 judge elected or appointed to serve in that magisterial
6 district.

7 (16) That section 13 introductory paragraph, (a), (c) and
8 (d) of the Schedule to Article V be amended to read:

9 § 13. Magisterial districts.

10 So that the provisions of this article regarding the
11 establishment of magisterial districts and the instruction and
12 examination of [justices of the peace] magisterial district
13 judges may be self-executing, until otherwise provided by law in
14 a manner agreeable to this article, the following provisions
15 shall be in force:

16 (a) The Supreme Court or the courts of common pleas under
17 the direction of the Supreme Court shall fix the number and
18 boundaries of magisterial districts of each class within each
19 judicial district by January 1, 1969, and these magisterial
20 districts, except where a community court has been adopted,
21 shall come into existence on January 1, 1970, the [justices of
22 the peace] magisterial district judges thereof to be elected at
23 the municipal election in 1969. These [justices of the peace]
24 magisterial district judges shall retain no fine, costs or any
25 other sum that shall be delivered into their hands for the
26 performance of any judicial duty or for any service connected
27 with their offices, but shall remit the same to the
28 Commonwealth, county, municipal subdivision, school district or
29 otherwise as may be provided by law.

30 * * *

1 (c) Salaries of [justices of the peace] magisterial district
2 judges.

3 The salaries of the [justices of the peace] magisterial
4 district judges shall be as follows:

5 (i) In first class magisterial districts, \$12,000 per year,

6 (ii) In second class magisterial districts, \$10,000 per
7 year,

8 (iii) In third class magisterial districts, \$8,000 per year,

9 (iv) In fourth and fifth class magisterial districts, \$5,000
10 per year.

11 (v) The salaries here fixed shall be paid by the State
12 Treasurer and for such payment this article and schedule shall
13 be sufficient warrant.

14 (d) Course of training, instruction and examination. The
15 course of training and instruction and examination in civil and
16 criminal law and procedure for a [justice of the peace]
17 magisterial district judge shall be devised by the Department of
18 Public Instruction, and it shall administer this course and
19 examination to insure that [justices of the peace] magisterial
20 district judges are competent to perform their duties.

21 (17) That section 14 of the Schedule to Article V be amended
22 to read:

23 § 14. Magisterial districts.

24 Effective immediately upon establishment of magisterial
25 districts and until otherwise prescribed the civil and criminal
26 procedural rules relating to venue shall apply to magisterial
27 districts; all proceedings before aldermen, magistrates and
28 [justices of the peace] magisterial district judges shall be
29 brought in and only in a magisterial district in which occurs an
30 event which would give rise to venue in a court of record; the

1 court of common pleas upon its own motion or on application at
2 any stage of proceedings shall transfer any proceeding in any
3 magisterial district to the [justice of the peace] magisterial
4 district judge for the magisterial district in which proper
5 venue lies.

6 (18) That section 21 of the Schedule to Article V be amended
7 to read:

8 § 21. Inferior courts.

9 Upon the establishment of magisterial districts pursuant to
10 this article and schedule, and unless otherwise provided by law,
11 the police magistrates, including those serving in the traffic
12 court, the housing court and the city court shall continue as at
13 present. Such magistrates shall be part of the unified judicial
14 system and shall be subject to the general supervisory and
15 administrative authority of the Supreme Court. Such magistrates
16 shall be subject to the provisions of this article and schedule
17 regarding educational requirements and prohibited activities of
18 [justices of the peace] magisterial district judges.

19 (19) That section 22 of the Schedule to Article V be amended
20 to read:

21 § 22. Causes, proceedings, books and records.

22 All causes and proceedings pending in any abolished court or
23 office of the [justice of the peace] magisterial district judge
24 shall be determined and concluded by the court to which
25 jurisdiction of the proceedings has been transferred under this
26 schedule and all books, dockets and records of any abolished
27 court or office of the [justice of the peace] magisterial
28 district judge shall become those of the court to which, under
29 this schedule, jurisdiction of the proceedings concerned has
30 been transferred.

1 (20) That section 24(b) and (c) of the Schedule to Article V
2 be amended to read:

3 § 24. Judicial discipline.

4 * * *

5 (b) Of the members initially appointed to the Judicial
6 Conduct Board, the judge appointed by the Supreme Court shall
7 serve a four-year term, and the judge appointed by the Governor
8 shall serve a three-year term. The [justice of the peace]
9 magisterial district judge initially appointed shall serve a
10 two-year term. Of the three non-judge members of the bar of the
11 Supreme Court initially appointed, the first appointed by the
12 Governor shall serve a three-year term, the next appointed by
13 the Governor shall serve a two-year term, and the non-judge
14 member of the bar of the Supreme Court appointed by the Supreme
15 Court shall serve a one-year term. Of the six non-lawyer
16 electors initially appointed, the first appointed by the
17 Governor and the first appointed by the Supreme Court shall
18 serve a four-year term, the next appointed by the Governor and
19 the next appointed by the Supreme Court shall serve a three-year
20 term, and the next appointed by the Governor and the next
21 appointed by the Supreme Court shall serve a two-year term.

22 (c) Of the three judges initially appointed to the Court of
23 Judicial Discipline, the first appointed by the Supreme Court
24 shall serve a four-year term, the next appointed by the Supreme
25 Court shall serve a three-year term, and the judge appointed by
26 the Governor shall serve a two-year term. The [justice of the
27 peace] magisterial district judge initially appointed shall
28 serve a one-year term. Of the non-judge members of the bar
29 initially appointed, the first appointed shall serve a four-year
30 term, and the next appointed shall serve a three-year term. Of

1 the two non-lawyer electors initially appointed, the non-lawyer
2 elector appointed by the Governor shall serve a three-year term,
3 and the non-lawyer elector appointed by the Supreme Court shall
4 serve a two-year term.

5 (21) That section 26 of the Schedule to Article V be amended
6 to read:

7 § 26. Writs of certiorari.

8 Unless and until changed by rule of the Supreme Court, in
9 addition to the right of appeal under section 9 of this article,
10 the judges of the courts of common pleas, within their
11 respective judicial districts, shall have power to issue writs
12 of certiorari to the municipal court in the City of
13 Philadelphia, [justices of the peace] magisterial district
14 judges and inferior courts not of record and to cause their
15 proceedings to be brought before them, and right and justice to
16 be done.

17 Section 2. (a) Upon the first passage by the General
18 Assembly of these proposed constitutional amendments, the
19 Secretary of the Commonwealth shall proceed immediately to
20 comply with the advertising requirements of section 1 of Article
21 XI of the Constitution of Pennsylvania and shall transmit the
22 required advertisements to two newspapers in every county in
23 which such newspapers are published in sufficient time after
24 passage of these proposed constitutional amendments.

25 (b) Upon the second passage by the General Assembly of these
26 proposed constitutional amendments, the Secretary of the
27 Commonwealth shall proceed immediately to comply with the
28 advertising requirements of section 1 of Article XI of the
29 Constitution of Pennsylvania and shall transmit the required
30 advertisements to two newspapers in every county in which such

1 newspapers are published in sufficient time after passage of
2 these proposed constitutional amendments. The Secretary of the
3 Commonwealth shall submit the proposed constitutional amendments
4 under section 1 to the qualified electors of this Commonwealth
5 as a single ballot question at the first primary, general or
6 municipal election which meets the requirements of and is in
7 conformance with section 1 of Article XI of the Constitution of
8 Pennsylvania and which occurs at least three months after the
9 proposed constitutional amendments are passed by the General
10 Assembly.